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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/150,577	09/10/1998	DENNIS M. O'CONNOR	INTL-0100-US	6643
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21906 7590 07/22/2002

TROP PRUNER & HU, PC  
8554 KATY FREEWAY  
SUITE 100  
HOUSTON, TX 77024

EXAMINER

CHEVALIER, ROBERT

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 07/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/150,577

Applicant(s)

O'CONNOR ET AL.

Examiner

Bob Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5, 11-17 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11, 13, 14, 16, 17 and 20-25 is/are rejected.
- 7) ☒ Claim(s) 12 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 112***

1. Claims 24-25 as indicated in the previous Office Action mailed out on 3/13/02 (Paper No. 4) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For example:

(1) Claim 24, line 5, the expression "said storage device" recited thereof does not have a clear antecedent basis.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-5, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sata et al in view of Gould as set forth in the previous Office Action mailed out on 3/13/02 (Paper No. 4).
5. Claims 11, 13-14, and 20-25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sata in view of Honjo as set forth in the previous Office Action mailed out on 3/13/02 (Paper No. 4).
6. Claims 12 and 15, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed 6/11/02 have been fully considered but they are not persuasive.

Regarding the Applicant's argument in that the proposed combination of Sata and Gould is improper because Gould does not teach providing a zoom function so that the second portion of the video stream may be scaled for implementing the zoom function while the first portion of the video stream is being written, Examiner disagrees. It is to be noted that, as indicated in the previous Office Action, the cited reference of Sata does clearly disclose the claimed feature of writing a portion of video stream to a recording medium while another portion of a video stream is being read from the recording medium. (Applicant's attention is directed to Sata's Figure 1, components 3-7, and claim 1, where it is disclosed a writing head which can move independently from a reading head, therefore, such a claimed feature of writing while reading video data to

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and from a storage medium is present in Sata). It is further to be noted that, Gould also does clearly disclose the feature of providing a zoom function to reproduced video data from a recording medium which reproduced video data as disclosed in Gould would be equivalent to the claimed second portion of the video stream. (See Gould's column 6, lines 29-63, and column 9, line 60, to column 10, line 5). Since, said second portion of video data is a reproduced video data from a recording medium. Therefore, when the cited reference of Sata is modified in view of Gould's apparatus for the purpose of incorporating in the Sata's reproducing means the capability of applying a zoom function to the reproduced data as shown by Gould as indicated in the previous Office Action (Paper No. 4) and for the reasons indicated thereof, such a claimed invention as argued and claimed would be present in the proposed combination of Sata and Gould.

Regarding the Applicant's argument in that the proposed combination of Sata and Gould fails to disclose the claimed feature of retrieving and displaying two or more frames shifted by time delays and allowing the user to select one of the frames of the video stream as a starting point for playing back the video stream and that the argument in that Sata's reproducing apparatus already include the capability to random access and retrieve the recorded video signal from the video medium in any position as desired is unsupported, Examiner disagrees. It is noted that the proposed combination of Sata and Gould does disclose the feature of retrieving and of displaying two or more frames shifted by time delays. Since, Sata does disclose the capability of retrieving and displaying the recorded video frames from the medium and that said retrieved video frames would necessarily have a time delay in between them because all of the

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recorded video frames cannot be reproduced at the same time. There will exist a time delay between for example retrieved video frame 1 and retrieved video frame 5. (See Sata's Figure 1, components 4-7). Moreover, the proposed combination of Sata and Gould would also inherently include the feature of selecting retrieved and displayed frames as a starting point for playing back the video. Because, as indicated in the previous Office Action (Paper No. 4) the cited reference of Sata would include the capability of randomly access and retrieve the recorded video signal from the disk recording medium at any position as desired, since, it is notoriously well known in the optical disk recording/reproducing art that optical disks are random access recording medium, and furthermore, since Sata does also disclose that reading from the disk recording medium can be done at designated position on said recording medium. (See Sata's claim 7, paragraphs c and d). Therefore, the user can always designate a current reproduced and displayed frame as a starting point of a future reproducing operation.

Regarding the Applicant's argument in that the proposed combination of Sata and Honjo is improper because Honjo fails to teach storing in the temporary buffer the next portion of the video data to be written to the storage device while another portion is being read from the storage device, Examiner disagrees. It is to be noted that Honjo does not need to show the feature of writing to the storage medium while reading from the same storage medium, because, such a feature is already disclosed in Sata as indicated in the paragraphs above. (See Sata's independent writing and reading heads shown in Figure 1, components 3, and 5, and the corresponding disclosure). Therefore, one Sata is modified for incorporating in the recording/reproducing means provided

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thereof the buffer means as shown by Honjo's recording/reproducing means (See Honjo's Figures 1 and 4), such a buffering feature recited in the claimed invention would be present in the proposed combination of Sata and Honjo.

Regarding the Applicant's argument in that the proposed combination of Sata and Honjo fails to disclose the feature of transferring data from at least two buffers at the time to and from a storage device, Examiner disagrees. It is noted that when Sata is modified for incorporating into the recording and reproducing means provided thereof a buffer means in view of Honjo's teaching of buffering data before recording the same on the recording medium and of buffering reproduced data from the recording medium (See Honjo's Figures 1, and 4) for the purpose and the reason as indicated in the previous Office Action (Paper No. 4), such a feature of transferring data from at least two buffers at the time to and from a storage device would be present in the proposed combination. Because, said proposed combination of Sata and Honjo would include a buffer means in both the recording and the reproducing means, and because, Sata already disclose the capability of performing recording and reproducing operation at the same time. As a result, transferring data from at least two buffers at the time would necessarily be done in said proposed combination of Sata and Honjo.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

  
ROBERT CHEVALIER  
PRIMARY EXAMINER

B. Chevalier  
July 19, 2002